THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

W.P. NO. 24363 of 1997

DATED: 02-03-2007

Between:-

R. Prasada Rao s/o Gumpaswamy, aged about 31 years, R/o Belgam, Parvathipuram, Vizianagaram District.

…Petitioner

And

The District Collector, Vizianagaram and 3 others.

…Respondents

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O R D E R

In this writ petition, the petitioner seeks a direction by way of Mandamus to declare the action of the respondents in evicting the petitioner from the site of 10' x 6 feet in V.C.P. Road, Parvathipuram, Vizianagaram District as illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that the petitioner is in possession of a piece of land admeasuring 10' x 6' on the road margin of V.C.P. road, on which he is running a tea stall for eking out his livelihood. It is stated that he was in possession of the land for the last 10 years prior to the filing of the writ petition, and the respondents have also issued 'B' Memo and collected penalty of Rs. 62/- per year from the petitioner. It is the grievance of the petitioner that though no proceedings have been issued under the A.P. Land Encroachment Act, 1905, the respondents are taking steps to evict the petitioner from the said site without giving any opportunity and without initiating any proceedings under A.P. Land Encroachment Act, 1905.

At the stage of admission of the writ petition, this Court granted interim order on 25.09.1997 and the said interim order continued all along. Though the writ petition is of the year 1997, no counter affidavit is filed and there is also no representation on behalf of the respondents.

Even for the removal of encroachments, a notice is required to be given as per the provisions of the A.P. Land Encroachment Act. In

specific terms it is stated in the affidavit filed in support of the writ petition that no proceedings were initiated, but however, the respondents are taking steps to dispossess the petitioner from the site in question.

In that view of the matter, this writ petition is disposed of, directing the respondents not to evict the petitioner from the site in question, except in accordance with the provisions of law and by issuing prior notice and opportunity to the petitioner.

Subject to the above direction, the writ petition is disposed of. No costs.

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R. SUBHASH REDDY, J

Dated: 02-03-2007

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